

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Clarence E. Singleton II
Dawn M. Singleton
Debtor(s)

Bankruptcy Case No.: 13-20869-CMB
Issued Per Apr. 27, 2017 Proceeding
Chapter: 13
Docket No.: 95 – 83, 89
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 24, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,492 as of May 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Sterling, Inc. at Claim No. 2 and Claim No. 3 at zero percent .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
The claim of Bank of America at Claim No. 4 governs as to amount to be paid at modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: May 3, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Clarence E. Singleton, II
 Dawn M. Singleton
 Debtors

Case No. 13-20869-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 29

Date Rcvd: May 03, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 05, 2017.

db/jdb
 cr
 14253282 +Clarence E. Singleton, II, Dawn M. Singleton, 524 Moore Avenue, Baden, PA 15005-1818
 Duquesne Light Company, c/o Peter J. Ashcroft, 2200 Gulf Tower, Pittsburgh, PA 15219
 +BCAT2014-9TT, Wilmington Savings Fund Society, FSB, c/o Shellpoint Mortgage Servicing,
 PO Box 10826, Greenville, SC 29603-0826
 13580192 +Bank Of America, Attn: Bankruptcy NC4-105-0314, Po Box 26012, Greensboro, NC 27420-6012
 13580191 +Bank of America, Attn: Correspondence Unit/CA6-919-02-41, Po Box 5170,
 Simi Valley, CA 93062-5170
 13601930 Bank of America, N.A., NC4-105-02-99, PO Box 26012, Greensboro, NC 27420-6012
 13611105 +Bank of America, N.A., 7105 Corporate Drive, Plano, TX 75024-4100
 13664405 +CAPITAL ONE, N.A., PO Box 12907, Norfolk VA 23541-0907
 13580193 +Cap One, 26525 N Riverwoods Blvd, Mettawa, IL 60045-3440
 13648899 Capital One, N.A., c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
 13580195 +Fnb Cons Disc Co, 156 S Broad St, Grove City, PA 16127-1523
 13580194 +Fnb Cons Disc Co, 103 N Jefferson Street, New Castle, PA 16101-3904
 13585082 SANTANDER CONSUMER USA, P.O. BOX 560284, DALLAS, TX 75356-0284
 13580199 #+Santander Consumer Usa, 8585 N Stemmons Fwy Ste 1100-N, Dallas, TX 75247-3822
 13580200 +Sears/cbna, Po Box 6497, Sioux Falls, SD 57117-6497
 13580202 +Weisfield Jewelers/Sterling Jewelers Inc, Attn: Bankruptcy, Po Box 3680,
 Akron, OH 44309-3680
 13580203 +Wfnnb/tsa, Attention: Bankruptcy, Po Box 182685, Columbus, OH 43218-2685

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

13612973 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 04 2017 01:01:24
 PRA Receivables Management, LLC, POB 41067, NORFOLK, VA 23541-1067
 +E-mail/Text: DQENOTICES@BERNSTEINLAW.COM May 04 2017 00:54:09 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200 Gulf Tower,
 Pittsburgh, PA 15219-1908
 13580196 +E-mail/PDF: gecsed@recoverycorp.com May 04 2017 00:56:00 Gemb/care Credit,
 Attn: bankruptcy, Po Box 103104, Roswell, GA 30076-9104
 13580197 E-mail/PDF: gecsed@recoverycorp.com May 04 2017 00:56:09 Gemb/oldnavydc,
 Attn: bankruptcy, Po Box 130104, Roswell, GA 30076
 13580198 +E-mail/Text: bnckohlsnotices@becket-lee.com May 04 2017 00:53:11 Kohls/capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 13664313 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 04 2017 01:01:24
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 13873496 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 04 2017 01:01:24
 Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
 13628715 E-mail/Text: bnc-quantum@quantum3group.com May 04 2017 00:53:17
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 13651709 E-mail/Text: bnc-quantum@quantum3group.com May 04 2017 00:53:17
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 13580201 E-mail/Text: appebnmailbox@sprint.com May 04 2017 00:53:35 Sprint Bankruptcy Dept.,
 1603 LBJ Freeway, TXFBR043A, Dallas, TX 75234
 13595517 +E-mail/Text: BKRMailOps@weltman.com May 04 2017 00:53:44 Sterling Inc. dba Kay Jewelers,
 c/o Weltman, Weinberg & Reis, Co., LPA, P.O. Box 93784, Cleveland, OH 44101-5784
 14172840 E-mail/Text: Bankruptcy@wsfsbank.com May 04 2017 00:54:14 Wilmington Savings Fund Society,
 500 Delaware Avenue, 11th Street, Wilmington, DE 19801

TOTAL: 12

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr BANK OF AMERICA, N.A.
 cr Shellpoint Mortgage Servicing
 cr WILMINGTON SAVINGS FUND SOCIETY, FSB, doing busine
 13595518* +Sterling Inc. dba Kay Jewelers, c/o Weltman, Weinberg & Reis, Co., LPA, P.O. Box 93784,
 Cleveland, OH 44101-5784

TOTALS: 3, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 29

Date Rcvd: May 03, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 05, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 3, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business as CHRISTIANA TRUST, not in its individual capacity but solely as legal title Trustee for BCAT 2014-9TT agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com
Edgardo D. Santillan on behalf of Joint Debtor Dawn M. Singleton ed@santillanlaw.com, edscourt@debtlaw.com;edscourt@gmail.com;650corpst304bknotbackup15009@gmail.com;eds@debtlaw.com;eds.myecfemail@gmail.com
Edgardo D. Santillan on behalf of Debtor Clarence E. Singleton, II ed@santillanlaw.com, edscourt@debtlaw.com;edscourt@gmail.com;650corpst304bknotbackup15009@gmail.com;eds@debtlaw.com;eds.myecfemail@gmail.com
James Warmbrodt on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business as CHRISTIANA TRUST, not in its individual capacity but solely as legal title Trustee for BCAT 2014-9TT bkgroup@kmlawgroup.com
Jeremy J. Kobeski on behalf of Creditor BANK OF AMERICA, N.A. pawb@fedphe.com
Matthew Gregory Brushwood on behalf of Creditor BANK OF AMERICA, N.A. pawb@fedphe.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com, ckutch@ecf.courtdrive.com;pashcroft@ecf.courtdrive.com;pghecf@bernsteinlaw.com;cabbott@ecf.courtdrive.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
William E. Miller on behalf of Creditor WILMINGTON SAVINGS FUND SOCIETY, FSB, doing business as CHRISTIANA TRUST, not in its individual capacity but solely as legal title Trustee for BCAT 2014-9TT wmiller@sterneisenberg.com, bkecf@sterneisenberg.com
William E. Miller on behalf of Creditor Shellpoint Mortgage Servicing wmiller@sterneisenberg.com, bkecf@sterneisenberg.com

TOTAL: 11